



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

March 4, 2022

**BY ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *The New York Times Co. et al. v. Federal Bureau of Investigation,*  
21 Civ. 10534 (VEC)

Dear Judge Caproni:

Jointly with counsel for plaintiffs, I write respectfully on behalf of the Federal Bureau of Investigation (“FBI” or the “government”) to provide a status report, as required by the Court’s January 26, 2022 Order, ECF No. 12.

**Search.** The parties have continued to confer about an appropriate search to fulfill plaintiffs’ request given the limits on the FBI’s ability to search its legacy records systems. The parties have now agreed on, and plaintiffs have provided, a number of specific individuals—as well as the name of the New York Times itself—for the FBI to use as the basis for searches of two indexes of records for the requested time period. The plaintiffs initially provided a list of several individual names, and (as detailed below) the FBI has completed its search for all but two of those names. Yesterday, plaintiffs provided three additional names, which the FBI will now use to complete its search. Plaintiffs have also requested that the government search for one additional record that is identified in another publicly available record, and have requested that the government reprocess another publicly available record.

The parties are continuing to discuss the government’s search obligations (if any) for records related to two individuals who are still alive. The government is evaluating whether it will make a Glomar response, and is considering certain information and argument the plaintiffs have provided.

**Processing.** To date, the government’s searches have yielded approximately 70 potentially responsive pages of records. The parties have agreed that the government will process these pages by April 15, 2022, and produce the responsive, non-exempt portions to plaintiffs. The parties intend to discuss the processing timeline for any other records once searches are complete.

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Because the parties have continued to work productively to discuss the relevant issues, we respectfully propose that the parties provide the Court with a joint status report in two weeks—or by March 18, 2022.

We thank the Court for its attention to this matter.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

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cc: counsel for Plaintiffs (via ECF)